

IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF OREGON

Portland Division

MELISSA ANNE OETINGER,

3:10-CV-379-PK

Plaintiff,

v.

ORDER

MICHAEL J. ASTRUE,
Commissioner of
Social Security,

Defendant.

MARSH, Judge.


Magistrate Judge Paul Papak filed his Findings and Recommendation on August 23, 2011. The matter is now before me. See 28 U.S. C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See § 636(b)(1)(C); U.S. v. Reyna-Tapia, 328 F. 3d 1114, 1121 (9th Cir. 2003) (en banc). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Paul Papak's Findings and Recommendation [18].

IT IS ORDERED that the Commissioner's final decision be

reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). On remand, the administrative law judge shall obtain vocational expert testimony based on hypothetical questions that match the limitations included in the Administrative Law Judge's residual functional capacity finding.

DATED this 19 day of September, 2011.



Malcolm F. Marsh
United States District Judge